

### REMARKS/ARGUMENTS

The Office Action of March 12, 2003 has been reviewed and carefully considered.

Reconsideration of the present application, as herein amended, is respectfully requested.

Claims 1-13 are pending, claims 1 and 10 being independent. Claims 3 and 10 have been amended to remove typographical errors therefrom. These amendments are merely cosmetic, and no other amendment to the claims has been made. The specification has been amended to correct a typographical error, and to remove a duplicative paragraph therefrom. No new matter has been added.

The Examiner objected to the drawings as having handwritten numerals. Applicants herewith submit formal drawings which eliminates the handwritten numerals. Acceptance of these formal drawings and withdrawal of the objection are therefore solicited.

The Examiner rejected claims 1-5, 7, 8 and 10-13 under 35 U.S.C. § 102(e) as anticipated by United States Patent No. 6,263,127 (Dragone, *et al.*); claims 1 and 9 under 35 U.S.C. § 102(e) as anticipated by United States Patent No. 6,498,872 (Bouevitch, *et al.*); and claim 6 under 35 U.S.C. § 103(a) as obvious over Dragone, *et al.* in view of United States Patent No. 6,389,190 (Solgaard, *et al.*).

Applicants traverse the rejections based in whole or in part upon Dragone, *et al.* Pursuant to 35 U.S.C. 103 (c), Dragone, *et al.* is not applicable prior art, because the instant application and Dragone, *et al.* were commonly owned at the time that the invention of the instant application was made. Pursuant to M.P.E.P. § 706.02(l)(2), the applicant hereby submits a conspicuous statement to that effect. The Dragone, *et al.* patent was assigned to Lucent Technologies, Inc., as reflected in the Assignment recorded at Reel 009970, Frame

0771 on May 13, 1999, and the instant application is owned of record by Lucent Technologies, Inc., by virtue of the Assignment dated October 30 and November 6, 2000 recorded on November 14, 2000, at Reel 011288, Frame 0282. Accordingly, all rejections based in whole or in part on Dragone, *et al.* should be withdrawn.

Applicants have carefully considered the sole remaining rejection, based on anticipation by Bouevitch, *et al.*, and respectfully submit that the invention as claimed is patentably distinct from Bouevitch, *et al.*

The claimed invention is directed to an optical router in an optical communication system for routing multiplexed signals having a plurality of wavelengths. The router includes a linear element for dispersing the spectrum of wavelengths onto an intermediate image plane. A discontinuous optical element laterally shifts the dispersed wavelengths to create a laterally shifted spectrum, and a re-imaging optical element receives the laterally shifted spectrum and re-images the wavelengths onto an output element. The re-imaging removes the initial linear dispersion, but leaves intact the lateral shift, thereby resulting in a wavelength-dependent laterally shifted output.

Bouevitch, *et al.* disclose an optical configuration for a dynamic gain equalizer and a configurable multiplexer. The device disclosed therein (shown in Fig. 11, as suggested by the Examiner) includes a lens 90 which images an input signal having a plurality of wavelengths onto a spherical reflector 10. Reflector 10 reflects the input signal coherently to a dispersing element 20 disposed in the focal plane 25 of reflector 10. Dispersing element 20 disperses the incoming spectrum back to reflector 10, and then to modifying means 50 (a MEMS array), which reflects back the dispersed wavelengths to the dispersing element, and then to the output.

Bouevitch, *et al.* fail to teach or suggest an important aspect of the claimed invention. Specifically, Bouevitch, *et al.* fail to teach or suggest the two-dimensional shift expressly recited in claims 1 and 10. Claim 1, for example, requires a first “dispersing” of the input signal by the linear element and a second lateral shift of the signals to different locations. Bouevitch, *et al.* teaches only a single shift in one dimension.

Thus, Bouevitch, *et al.* fail to teach or suggest the invention as recited in independent claims 1 and 10 and the various claims dependent therefrom. Withdrawal of this rejection, as well, is therefore solicited.

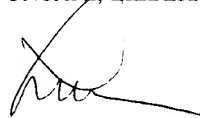
For all of these reasons, it is accordingly submitted that the invention as claimed is patentably distinct over the references upon which the Examiner has relied, taken alone or in any combination. Early and favorable action is therefore respectfully solicited.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any such fees or charges are deemed necessary at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By



Lance J. Lieberman  
Reg. No. 28,437  
551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

Dated: September 18, 2003